United Nations S/2013/36

Security Council

Distr.: General
18 January 2013

Original: English

Report of the Secretary-General on the United Nations Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2027 (2011), in which the Council extended the mandate of the United Nations Office in Burundi (BNUB) and requested me to inform it of progress in implementing its mandate and resolution. Specifically, pursuant to Security Council resolutions 1959 (2010) and 2027 (2011), on 10 May 2012, I submitted a set of benchmarks and related indicators, jointly agreed with the Government of Burundi, to assess progress on the situation in Burundi and thereby to inform the future evolution from BNUB to a regular United Nations country team presence.

2. In a letter dated 26 July 2012, the Security Council supported the benchmarks and asked for additional information concerning baseline data and assessments for each issue, including observations on timing, trends and the role of BNUB in the implementation efforts. The present report provides an update since my previous report, of 30 November 2011 (S/2011/751), and is structured around the eight benchmarks. In the annex to the present report, baselines and indicators of progress are reviewed in additional detail.

II. Progress in peace consolidation

A. Democratic process

3. While the country's institutions continued to improve and discharge their responsibilities with increased assertiveness, the negative impact of the 2010 electoral boycott by major opposition parties and ensuing political tensions between the Government and extra-parliamentary opposition parties continued to be felt. There is growing distrust and confrontation between the Government and the opposition. This is apparent across a range of issues, and particularly felt where broader consensus would be required to further advance peace consolidation and development efforts, especially given the early preparations for the 2015 elections.

4. On 1 and 2 July 2012, Burundi celebrated its fiftieth independence anniversary in a colourful and high-level ceremony in Bujumbura, which saw the return of an opposition figure from exile. On 26 August 2012, on the second anniversary of his re-election, President Nkurunziza reiterated his call for politicians in exile to return

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to the country and prepare for the 2015 elections, stating that the government and the population were ready to welcome them. He urged those who had security concerns to address them to the relevant national institutions. He also noted that there was an opportunity to reflect on the experience of the 2010 elections and to seek ways of reinforcing the democratic culture before 2015.

5. In a positive development, several formal meetings took place during 2012 between the Government and the extra-parliamentary opposition. At the request of the President of the National Assembly, on 28 March the local non-governmental organization (NGO) Centre for Alert and Conflict Prevention and the Association of European Parliamentarians for Africa co-facilitated a workshop on the draft Law concerning Opposition Parties. This was the first formal meeting of all political parties since the 2010 elections. From 28 May to 2 June 2012, the international NGO Initiatives et Changement organized a workshop in Caux, Switzerland, bringing together representatives of the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) and the main parties within the Alliance démocratique pour le changement-Ikibiri (ADC-Ikibiri), with the exception of the Forces Nationales de Liberation (FNL)-Rwasa. The meeting included former Presidents of Burundi Sylvestre Ntibantunganya and Domitien Ndayizeye and representatives of the Catholic and Anglican Churches. Discussions focused on political space, dialogue, the release of political prisoners, the return of leaders of political parties in exile and preparations for the 2015 elections. Two follow-up workshops took place in Bujumbura and Nyanza-Lac on 8 August, and from 17 to 19 October, respectively, in which political actors jointly identified challenges for the upcoming electoral process and made recommendations on improving the political environment. On 26 November and on 24 December 2012, the Minister of the Interior met with political parties to discuss the overall situation.

6. As a result of the persistent mistrust between the Government and the extra-parliamentary opposition, the Permanent Forum of Political Parties remained non-functional during 2012. On 26 April, 13 political parties issued a declaration asking for the replacement of the President of the Forum. On 22 June, the Minister of the Interior appointed a replacement, describing the change as an opportunity to reinforce democracy in the Forum. However, the ADC-Ikibiri reiterated that it would not participate, considering the Forum a tool of the ruling CNDD-FDD as long as it remained under the patronage of the Minister of the Interior. Meanwhile, on 10 September the FNL-Miburo announced that it was also boycotting the Forum because it had been sidelined in consultations concerning the membership of the National Independent Electoral Commission. It further threatened a boycott of the 2015 elections should it not be represented in the new Commission.

7. The CNDD-FDD and the Union pour le progrès national (UPRONA) held ordinary congresses on 31 March and 16 September 2012, respectively, to elect new leadership. Pascal Nyabenda, President of the CNDD-FDD parliamentary group at the National Assembly was elected CNDD-FDD President, while Charles Nditije, outgoing UPRONA Spokesperson and parliamentary group leader, was elected President of UPRONA. Both men are of Hutu ethnicity — marking the first time a Hutu has assumed the presidency of UPRONA. Members of the "rehabilitation" wing of UPRONA, however, challenged the legality of Mr. Nditije's election, dismissing the congress as a "non-event".

8. On 2 December 2011, a report of the Group of Experts on the Democratic Republic of the Congo (see S/2011/738) accused Burundian political leaders in exile, including Agathon Rwasa, Alexis Sinduhije, and Léonard Nyangoma of involvement in subversive activities, notably supporting and funding a nascent rebellion from a base in eastern Democratic Republic of the Congo. Agathon Rwasa and Alexis Sinduhije denied the accusations in letters addressed to my Special Representative in Burundi and myself, on 25 and 27 January, respectively. The 12 November 2012 report by the Group of Experts (see S/2012/843) reiterated the accusations against Alexis Sinduhije and presented allegations that the Front national pour la révolution au Burundi (FRONABU), linked to him, had transformed into the Front du peuple murundi (FPM) and allied itself with Mouvement du 23 mars (M23) in South Kivu. The report also stated that Agathon Rwasa had largely withdrawn from direct involvement in the activities of the Forces nationales de liberation (FNL).

9. On 11 January, the President of the Mouvement pour la solidarité et paix (MSD) Alexis Sinduhije, in exile since 2010, was arrested upon arrival in Dar es Salaam, reportedly following a request for extradition by the Burundi Government. On 24 January, he was released after no charges were filed, and returned to France.

10. On 2 September, a former senior combatant of the Parti pour la liberation du peuple Hutu-FNL issued a declaration, allegedly on behalf of the Etat-Major Général of the FNL, announcing that the FNL had decided to resume armed struggle, citing poor governance and the continued persecution of FNL members as reasons. However, the Europe-based Spokesperson of the Rwasa wing of the FNL and other leaders of opposition political parties immediately denounced the declaration. On 24 October, the spokesperson for a previously unknown armed movement known as Front du Peuple Murundi-Abatabazi (FPM-Abatabazi, or "the liberators") claimed responsibility for attacks carried out in Murwi commune, Cibitoke Province, during the night of 21-22 October.

11. On 10 and 23 October, the National Assembly and Senate, respectively, adopted a draft law on the status of opposition political parties. The law is unusual in that it recognizes opposition parties whether represented in Parliament or not. The law was, however, strongly criticized by some opposition parties and civil society for creating the position of "leader of the opposition". Given the law's provisions and the political landscape, it seems likely that this role would fall to Emanuel Miburo, who heads the FNL wing that is not recognized by supporters of Agathon Rwasa. Meanwhile, a separate law regulating the status of all political parties was promulgated in November 2012, but its implementation has been repeatedly deferred owing to the inability of many parties concerned to meet its strict requirements.

12. Under existing legislation, political parties are forbidden to come together in coalitions except during periods of electoral campaigning. Consequently, the main platform of extra-parliamentary opposition parties, the ADC-Ikibiri, is considered by the authorities to be illegal, and members of the various parties constituting this grouping continue to complain of difficulties in conducting day-to-day activities. On 4 November 2012, members of these parties were prevented from travelling to Rumonge to celebrate the eighteenth anniversary of the creation of the CNDD party, reportedly on the order of the Minister of the Interior. On 18 November in Gatumba (province of Bujumbura-Rural), members of Sahwanya-FRODEBU and of other political parties belonging to ADC-Ikibiri were prevented by police from attending a

meeting with tear gas and shots in the air. Two women, including a former Vice-President of Burundi, Marina Barampama, were reportedly hurt. On 2 December 2012, MSD members from Bujumbura were prevented from travelling to Bubanza to meet with other party members.

13. The activities of hardliners among the members of the CNDD-FDD youth league, the Imbonerakure, also raised concerns. BNUB continued to document acts of repression and intimidation, as well as violence and even killings, committed by members of this group, with a surge in such acts between April and July across the country, in particular in Bubanza, Cibitoke and Ngozi provinces. Under the pretext of ensuring security in their neighbourhoods, these members reportedly assaulted and sometimes extorted money from their victims, some of whom allegedly died from the violence.

14. Following the end of the current mandate of the CENI, President Nkurunziza issued two decrees on 12 March. The first prolonged the mandates of existing commissioners by six months, while the second revised the tenure of commissioners from three years renewable to five years non-renewable. In September, President Nkurunziza convened an extraordinary session of Parliament to consider new CENI nominations, but this ended without agreement; UPRONA members of Parliament walked out over the intention to maintain the outgoing CENI President and the Head of Civic Education and Communication. President Nkurunziza subsequently extended the commissioners' mandates by three months. On 4 December, the National Assembly and Senate approved the candidates proposed by President Nkurunziza as members of the new CENI, with the outgoing President and the Head of Civic Education and Communication reappointed. The other three commissioners are new. Large majorities of parliamentarians approved the appointments, reflecting a consensus between the two main parties in government, the CNDD-FDD and UPRONA. The ADC-Ikibiri and Sahwanya-FRODEBU President complained that his platform had not been consulted and warned that his party would not participate in the 2015 elections. However, the ADC-Ikibiri Spokesperson while denouncing the new National Independent Electoral Commission, announced that the platform would contest the elections. BNUB issued a communiqué on 7 December taking note of the nomination of the new Commissioners and urging the National Independent Electoral Commission to work closely with all political actors for the preparation of the 2015 elections, in a spirit of continuous dialogue and the search for consensus.

15. More generally, BNUB continues to provide good offices to bring together key players, support the normalization of political relations and assist stakeholders to reach agreement on the way forward towards the 2015 elections. Building on positive developments in 2012, BNUB and the United Nations Development Programme (UNDP) began organizing a workshop early in 2013 to draw lessons learned from the 2010 elections and prepare the ground for 2015, in collaboration with partners.

B. Security and stability

16. Overall, the security situation remained stable during 2012. However, criminality remained prevalent and could generally be attributed to the long-standing and widespread circulation of small arms and light weapons, land disputes

and continued poor socioeconomic conditions. Cross-border incursions by armed groups increased somewhat, especially in the north-west, notably Cibitoke and Bubanza, and armed clashes were reported with Burundian security forces Forces de défense nationale/Police nationale du Burundi (FDN/PNB). Incursions were also reported in the south, close to Nyanza-Lac. The United Nations documented about 40 clashes between armed groups and government forces in 2012. While of low intensity, these clashes showed that some actors continue to resort to armed violence to achieve political or other objectives.

17. The rightsizing of the FDN and the PNB continued throughout 2012, informed by World Bank and International Monetary Fund targets. Progress has been at a diminished rate owing to the Government's reliance on natural attrition, but targets are now close to being met.

18. BNUB continued to support professionalizing the security and defence forces, in collaboration with and support of the programmes implemented by bilateral partners with the Government. In partnership with national counterparts, 74 officers were trained as trainers on human rights and international humanitarian law, while an additional 100 officers were trained during a follow-up evaluation exercise, conducted in the five military regions. Three specialized training sessions on military policing, police judiciary and armoury management were organized for 33 military police officers, 44 police judicial officers and 19 armoury managers in the police force, respectively, and advocacy is ongoing for the training of military magistrates. BNUB has also continued advocating for the introduction of an appropriate basic training programme for all levels of the police. Alongside other partners, BNUB continued supporting the development of the Strategic Plan for the Ministry of Public Security and the Defence Review for the Ministry of Defence through technical advice, financing of a workshop on exchange of information, and sensitization of the Parliament.

19. BNUB also supported further efforts to enhance security sector governance through advocacy, capacity-building and information-sharing activities for members of the two defence and security committees in Parliament. Technical support was provided to the permanent secretariat of the National Security Council and the elaboration of Burundi's first National Security Strategy document. BNUB also continued advocating for the adoption of an organic law with a constitutionally appropriate legal framework for the police. Networks of civil society organizations were established to enhance their participation in security and justice sector reform-related activities.

20. A second national voluntary disarmament campaign is currently being planned by BNUB and UNDP. Meanwhile, the collection and destruction of small arms handed in voluntarily or seized by the police continues. In June and July 2012 for example, the Permanent National Commission for the fight against the proliferation of small arms and light weapons destroyed 938 hand grenades, 23 shells, 64 rockets and 85,840 cartridges in operations financed by BNUB, which also continued to monitor and finance the marking and registration of the weapons of the security and defence forces. By December, more than 60 per cent of police weapons had been marked and registered while all military weapons had been registered.

C. Transitional justice

21. Throughout 2012, BNUB and the Office of the United Nations High Commissioner for Human Rights continued to engage national and international stakeholders on the need to bring the draft law on the Truth and Reconciliation Commission into line with relevant international standards and best practice, and with national expectations. An amended draft law on the Truth and Reconciliation Commission was developed, adopted by the Council of Ministers on 14 November, and passed to Parliament for revision and adoption on 12 December. The United Nations submitted comments on the draft law through a letter to the President of the National Assembly on 27 December including on, inter alia, the question of inclusiveness and representativeness of Commissioners, the relationship between the proposed Truth and Reconciliation Commission and an eventual Special Tribunal, the question of victim and witness protection and the inclusion of a provision explicitly stating that no amnesties will be granted for certain categories of grave crimes.

22. In March, the Government launched a nationwide "sensitization campaign" during which ministers and permanent secretaries met with local officials and people drawn from different socio-professional sectors to explain the content of the 2011 draft law. No official report was published documenting the findings of this campaign, which ended in April, but reportedly it arrived at recommendations different from those the National Consultations had conducted in collaboration with the United Nations in 2009 and 2010, especially concerning the composition of the Truth and Reconciliation Commission and a judicial component of the transitional justice process.

23. In preparation for the establishment of the Truth and Reconciliation Commission, BNUB undertook a nationwide awareness-raising campaign and assisted the establishment of a network of local-level experts on transitional justice, working in close collaboration with a local partner: the Forum national des relais communautaires en justice de transition. From 22 to 23 August, BNUB, in collaboration with the Ministries of Justice and Public Security, and with the support of international partners, also organized the first in a series of expert workshops on witness and victim protection. The final recommendations adopted will serve as a road map for the broader process, with the next steps being a study on the necessary legal framework, followed by the elaboration of a draft law on witness and victim protection. Throughout 2012, no progress was made with regard to the establishment of the Special Tribunal.

D. Governance and institution building

24. The Government adopted the National Programme for the Reform of the Administration in April 2012, and initiated discussion towards the adoption of the National Strategy for the Strengthening of the Management of Public Finances. The National Strategy on Good Governance and the Fight against Corruption also began to show first concrete results. Within that framework, the special Anti-corruption Brigade received 156 complaints in 2012, which were transmitted to the Parquet Général près de la Cour anticorruption for appropriate action. The Anti-corruption Court similarly received 285 complaints in 2012, and rendered its judgement on 218 cases from January to the end of November 2012. Reports from the special

Anti-corruption Brigade suggest that more people are now routinely denouncing acts of corruption and a number of government officials, including policemen and businessmen, are being charged by the Anti-corruption Court. The year 2012 was also the second year in succession of strong improvement in the World Bank's "Ease of Doing Business" ranking, with Burundi moving from 169th to 159th, and again considered one of the globally "most improved". However, Transparency International's 2012 report ranked Burundi ninth from last in a global comparison of perceptions of corruption. On 13 December, the Government expressed disappointment with the ranking, highlighting the various initiatives taken in the fight against corruption. The Government emphasized its continued strong commitment to the fight against corruption.

25. On 24 and 25 October, the Council of Ministers postponed by six months a decision on privatizing Bujumbura Port, in order to give an independent audit company time to assess the true value of the asset. On 14 November, however, the Council reversed this and instead made a decision to grant the concession, a move that has attracted criticism from anti-corruption watchdogs.

26. The Burundi Revenue Authority remained a positive example of how political determination coupled with technical expertise can augment the efficiency and accountability of government institutions. As of November 2012, the Burundi Revenue Authority had collected FBu 486.47 billion (approximately $3.21 million) in revenues during the year, compared to FBu 433.89 billion (approximately $2.86 million) collected during the first 11 months of 2011, an increase of 12.12 per cent.

27. The Office of the Ombudsman has also continued to play an increasingly important role, by, inter alia, receiving 147 complaints, related to land disputes, abuse of power by the Administration, implementation of judgements and economic embezzlement, and processing 81 of them. The Office also presented its first strategic plan in November and began opening a number of envisaged regional offices on 18 June 2012.

28. Efforts continued also to increase efficiency and accountability, including by ensuring that nominations for positions are based on merit and not on political affiliation only. The implementation of the newly approved National Programme for the Reform of the Administration may help to reinforce efforts to apply the relevant law (No. 1/09 of 17 March 2005) on the distinction between political and technical appointees.

29. In line with its mandate, BNUB continued to support the strengthening of oversight institutions, notably the Parliament, the Cour des comptes, the Office of the Ombudsman and the Anti-corruption Brigade. BNUB thus supported a workshop and related activities organized by the Anti-corruption Brigade in Makamba from 12 to 13 November for 60 representatives of civil society organizations, civil servants from Makamba and Bururi provinces, as well as police and military officers, to raise awareness on the April 2006 Anti-corruption Law. In December, BNUB organized a capacity-building workshop on "Mediation, Negotiation and Conflict Resolution" for 30 staff members of the Office of the Ombudsman. BNUB and UNDP also supported the launching of the National Strategy on Good Governance and the Fight against Corruption, and organized a workshop under the aegis of the Ministry of Good Governance on the revision of the legal framework

for the fight against corruption, attended by 90 participants, including civil society organizations.

30. In collaboration with UNDP, BNUB contributed to the elaboration of the Parliament Strategic Plan (2012-2015) and of the Parliament Priority Action Plan for 2012-2013, which was approved in October 2012.

E. Rule of law

31. In the course of 2012, some progress was registered in improving prison conditions through a reduction of prisoners. The number of pretrial detainees decreased steadily owing to directives from the State Attorney and the President of the Supreme Court. Following the implementation of a presidential pardon and release on parole, the total prison population decreased by 29.7 per cent in 2012. However, this ad hoc measure failed to address the underlying causes of overcrowding, such as over-recourse to detention, as well as the low quality of court performance. To address these issues, a National Criminal Policy, including guidelines for prosecutors, is currently being finalized, with assistance from BNUB/OHCHR and bilateral partners.

32. The judicial system still faces considerable challenges, as evidenced by the lack of judicial follow-up in the majority of recent cases of alleged serious human rights violations. Some proceedings in politically sensitive cases also raised questions about the independence of the justice system. In such cases, as the September 2011 Gatumba massacre or the murder of Ernest Manirumva (the vice-president of the anti-corruption NGO Observatory for the Fight against Corruption and Economic Embezzlement), for example, the courts condemned those accused without calling as witnesses high-ranking police officers implicated by the accused or by investigative commissions. Moreover, the process of recruitment of magistrates did not fully comply with the law, which requires the organization of a competitive entry examination in collaboration with the Supreme Council of Magistrates. The appointment and promotion of magistrates remained under the control of the executive. The Government cited budgetary constraints as impeding the establishment of a fully transparent system of judicial recruitment, insisting that recent judicial appointees nonetheless met the necessary technical criteria. BNUB/OHCHR and other partners are ready to support the Ministry of Justice, as necessary, in organizing the recruitment process in conformity with the law.

33. The comprehensive support provided by BNUB/OHCHR to the justice sector prioritized enhancing the independence of the judiciary and accountability of magistrates. BNUB supported the development of a Strategic Plan for the provision of initial training to magistrates, in collaboration with the Judicial Training Centre and bilateral partners, and initiated the development of a continuous learning programme. BNUB also supported judicial oversight bodies to help rationalize and enhance the impact of judicial inspections. Together with UNDP, BNUB/OHCHR conducted a study on developing a strategic plan for the Superior Council of Magistrates, aimed at strengthening its capacity to act as guarantor of judicial independence and discipline of magistrates. Throughout the year, the Centre de Formation Professionnelle de la Justice, with BNUB support, continued to provide on-the-job training on judicial ethics and court management, respectively, for 52 and 76 newly recruited magistrates. In order to facilitate a comprehensive, open and

transparent discussion on additional reforms in the justice sector, BNUB, UNDP and other partners worked with the Ministry of Justice on preparations for a National Stakeholders Conference on Justice throughout 2012.

F. Human rights

34. In 2012, the number of extrajudicial, arbitrary or summary executions and/or politically motivated killings documented by BNUB/OHCHR, decreased significantly, although remaining unacceptably high. In 2012, 30 cases had been reported, compared with 61 in 2011. Of these, four involved victims with a known political association, again a significant reduction from the previous year. In 2012, 16 cases of torture were documented by BNUB, an improvement compared to the 36 cases documented in 2011. In a continuation of last year's trend, most of the cases of extrajudicial killings and torture were committed by members of the PNB. On 25 October, the Government shared confidential details related to its attempts to bring alleged perpetrators to justice with BNUB/OHCHR, and selected international partners. However, of the perpetrators of the 61 cases of extrajudicial killings committed in 2011, only 10 have been brought to justice.

35. In June 2012, the Attorney General of the Republic set up a six-member Commission of Inquiry to investigate cases of extrajudicial killings and torture alleged in reports of non-governmental organizations (NGOs), stressing that there would be judicial consequences for those NGOs if their allegations were not confirmed by judicial investigations. The report of the Commission, made public on 23 August, found that based on the definition of "targeted killings" it used, no cases of extrajudicial execution had taken place in Burundi. Nonetheless, five police officers and a local administrator were arrested following the publication of the report concerning allegations of torture and assassination. In a press conference, the Attorney General criticized the United Nations and NGOs for falsely accusing the Government of orchestrating political killings. BNUB/OHCHR responded, through a letter on 11 September to the Attorney General and the Minister of Justice and in a parallel communiqué, clarifying the definition of extrajudicial, arbitrary or summary executions utilized by the United Nations, based on the mandates of the relevant United Nations Special Rapporteur. The letter clarified that the State remains accountable for its agents' actions during official duties, even if no specific order is given for the actions in question. This has remained an object of continued advocacy with officials throughout the year, including with regard to the issuance of regular public reports on human rights in Burundi, and during the bi-monthly meetings BNUB/OHCHR holds with representatives of the security and intelligence services, the Ministries in charge of Human Rights and Foreign Affairs, judicial authorities and civil society organizations.

36. Since its establishment in June 2011, the Independent National Human Rights Commission has contributed to strengthening the culture of human rights in Burundi, and BNUB/OHCHR and UNDP have provided concerted support for its three-year strategic plan. In March 2012, the Commission submitted its first report on its activities to the National Assembly. With regard to Burundi's international human rights obligations, the Commission conducted a study on the implementation of the recommendations of the 2008 session of the Universal Periodic Review and sent its own contribution to the Human Rights Council in July 2012. The Commission held nine human rights awareness-raising events in 2012, with

934 persons participating. It also continued monitoring alleged human rights violations and carried out investigations pursuant to its mandate. In 2012 there was a significant increase in the number of cases registered by the Commission (480 from January to November 2012 compared to 107 from June to December 2011), the cases investigated (450 compared to 50) and the cases that were closed (117 compared to 20).

37. Civil society organizations raised awareness on issues from human rights to corruption to rising food prices, but continued to come under pressure and, occasionally, under threat for doing so. Leading activists, including Gabriel Rufyiri, President of the Observatory for the Fight against Corruption and Economic Embezzlement, and Pierre-Claver Mbonimpa, President of the human rights organization Association pour la protection des droits humains et des personnes détenues, were summoned on numerous occasions by the judiciary in 2012. Two letters sent by the Minister of the Interior on 4 and 9 April to key civil society organizations threatened to remove their authorizations if they continued to engage in activities that were perceived as being "incompatible with their status as civil society organizations". Thereafter, however, discussions were held between the authorities, civil society and trade unions to discuss the high cost of living in Burundi and the Government subsequently adopted some remedial measures, a positive trend of government and civil society organizations cooperating to defuse potentially volatile situations. With assistance from the United Nations, a technical committee was set up by the Ministry of the Interior to create a more permanent framework for dialogue on issues of common concern.

38. On 7 June, the Council of Ministers adopted a new draft Law on the Media. The Law contains some welcome advances, including the abolition of prison terms for certain press offences, and of a previous provision limiting directorship of media outlets to those of Burundi nationality. It has also, however, been criticized in some quarters for establishing regulations under which journalists can be compelled to reveal their sources, overly broad restrictions on freedom of expression and heavy penalties for a wide array of other press offences. The draft is currently being considered by the National Assembly, which is consulting journalists, civil society and opposition political parties. In comments provided to the Government, National Assembly and Senate on 19 November, BNUB indicated that the draft law, if adopted in its present state, would be contrary to Burundi's human rights obligations.

Regional integration

39. Overall, 2012 saw Burundi continue its efforts to deepen its regional integration. For this to succeed, it will be imperative to establish a clear vision of the role the country can and should play within the region, and set priorities in terms of structures and areas chosen for integration. A study on how Burundi had best participated in different regional integration frameworks was completed in March with support from UNDP, and in July 2012, the Ministry of Regional Integration began elaborating a national strategy with BNUB support. The active involvement of Burundi in these initiatives and regional configurations reflects the country's commitment to regionalization, underpinned by support from the United Nations and other partners.

40. From 14 to 18 May, Burundi hosted a high-level meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa (UNSAC), which brought together the 11 Member States to discuss the security situation and challenges to peace in the subregion. Among other things, Member States committed to collaborate in further efforts to eliminate negative forces from the region.

41. On 30 June, the Centre de Fusion des Renseignements of States members of the International Conference on the Great Lakes Region (ICGLR), designed to gather and analyse information to further efforts to eradicate local and foreign armed groups, was inaugurated in Goma, Democratic Republic of the Congo, in the presence of the heads of security services of all 11 member States.

42. From 27 August to 1 September, the 25th Meeting of the East African Community (EAC) Council of Ministers was held in Bujumbura to deliberate on a range of issues pertaining to the EAC regional integration and development process. The meeting focused mainly on progress made in the implementation of the common market protocol and negotiations on the monetary union, as well as the applications by South Sudan and Somalia to join EAC. Burundi also actively participated in several summits of Heads of State of the States members of ICGLR devoted to the situation in eastern Democratic Republic of the Congo and, on several occasions, reaffirmed its commitment to the restoration of peace in the Democratic Republic of the Congo.

G. Social and economic development

43. In a welcome development, Burundi's new Poverty Reduction Strategy Paper (PRSP-II) was finalized and adopted in January 2012 at a meeting of the Forum Politique chaired by the Second Vice President. On 29 and 30 October, the Government of Burundi organized a Conference of Development Partners in Geneva to mobilize support for the PRSP-II. Over 120 delegations participated representing bilateral and multilateral partners, civil society, and the private sector. Speakers commended Burundi for reforms undertaken, and encouraged the Government to continue its efforts, including in the area of governance to strengthen political dialogue, improve human rights, and fight corruption. Overall, discussions were constructive, and civil society, which was well represented, expressly supported the Government in its fundraising efforts. According to the Government of Burundi figures, more than $2.6 billion were pledged by partners at the conference. BNUB continues to support the Government in aid coordination, and also liaises closely with Burundi's international partners, as represented in Bujumbura, in order to ensure a coordinated follow-up to the commitments made at the Geneva conference.

44. On 10 December, national and international stakeholders adopted the new United Nations Development Assistance Framework (UNDAF), through which the United Nations system will support Burundi's development efforts with a specific emphasis on the implementation of the PRSP-II.

45. The closing of the Mtabila camp in the United Republic of Tanzania led to the repatriation of 35,000 former Burundian refugees from October to December 2012 in accordance with the tripartite agreement signed on 8 October 2012 between the Governments of Burundi, the United Republic of Tanzania and UNHCR. Throughout the process of return, collaboration between the Government of Burundi, United Nations agencies and their partners has been exemplary, and the

return has proceeded in an orderly fashion. The full reintegration of the returnees into their communities of origin, however, will be a more long-term process, and will need to be closely monitored. Land disputes, political affiliation, bleak prospects for income generation, and the fact that the majority of the returnees were born in the United Republic of Tanzania and have never lived in Burundi, may create challenges. The number of internally displaced persons has remained stable in 2012 at close to 80,000 persons. The Government has begun preparations for an action plan for internally displaced persons with the United Nations country team, seeking to strengthen government capacity to improve their situation, and accelerating the search for durable solutions.

46. The Commission des terres et autres biens, the body charged with handling restitution cases concerning land conflicts, continued its work throughout 2012. Up to June 2012, the Commission had registered 1,864 conflicts and handled 927. The Commission focuses on the difficult task of mediating and reaching non-binding settlements between residents and returnees seeking to reclaim their land. Given the sensitivity of the issue, the work of the Commission was discussed controversially in 2012, with the various constituencies taking diverging views on the approaches that would be required to achieve lasting settlements without fuelling tensions.

47. Food insecurity remains grave in Burundi, with as many as 58 per cent of children under five chronically malnourished, according to the 2010 Demographic Health Survey. The price of essential products and some foodstuffs increased by an estimated 20-25 per cent over the first six months of 2012, leading to popular discontent and a day of demonstrations on 27 March. Increasing land scarcity triggered by a high birth rate and returning refugees, together with land degradation, is further aggravating food insecurity in the country.

48. In a continuation of the past trend, youth unemployment remained at a high level throughout 2012. Programmes on job creation for youth, a central part of the Government's Vision 2025, are intended to start early in 2013. Without access to jobs and incomes, youth in Burundi remain susceptible to remobilization in youth militias, with obvious risks for peace and stability.

III. Cross-cutting issues

A. Gender

49. To implement Security Council resolution 1325 (2000), a five-year National Action Plan (2012-2016) was adopted in December 2011. The national Open Day on Security Council resolution 1325 (2000), held on 27 September, identified women's participation in the prevention and protection against sexual and gender-based violence in governance and economic recovery as priorities. Challenges to achieving this were identified as: (a) lack of access to land owing to the national inheritance law, which prevents inheritance by women; (b) violence against women and impunity for perpetrators; and (c) low female representation within the security forces and local government. Burundi continues, however, to boast a high level of female representation in the executive, legislature and administration at the national level (see annex).

50. Psychological, medical, judicial and social assistance was provided to 450 victims of sexual and gender-based violence through the United Nations-supported Humura Centre in Gitega for the holistic care of survivors of gender-based violence. Ministries of Justice and Gender from 11 States members of ICGLR met from 25 to 28 July in Kinshasa to agree on joint mechanisms to implement the 2011 Kampala Declaration to fight impunity against sexual and gender-based violence. Supporting the Secretary-General's campaign to raise awareness and Unite to End Sexual Violence, more than 3,000 Burundians joined the African initiative "Climb Kilimanjaro" by climbing the highest mountain in Burundi.

B. Child protection

51. Following the mapping of Burundi's child protection system conducted in 2011, the United Nations Children's Fund (UNICEF) supported the Government to strengthen the legal and policy child protection framework through the elaboration of the Child Protection Code and the development of the National Child Protection Policy with its Action Plan covering the period 2012-2016. These two key documents, together with the National Strategy against the phenomenon of street children and the Minimum Standards on children living in institutions or deprived of family care, validated in 2011, will contribute to the implementation of children's rights in priority areas. The United Nations is working to encourage their adoption as a matter of priority.

52. The Government of Burundi took the decision to establish a Children's Forum through Presidential Decree No. 100/107 of 5 June 2012, which can potentially strengthen children's participation by sharing their ideas and views on all issues related to their protection and well-being, as mentioned in article 12 of the United Nations Convention on the Rights of the Child.

53. The Ministry of National Solidarity, Human Rights and Gender continued to support child protection at the community level, by establishing Child Protection Committees. Currently, more than 750 Committees are functional and providing care for more than 8,000 orphans and other vulnerable children, with the support of UNICEF and NGOs. In collaboration with the Ministry of Justice, over 500 professionals of the justice system (including judges, lawyers, police forces and social workers) have been trained in child protection and the rights of children in contact with the law as offenders, witnesses or victims.

C. Activities related to the Peacebuilding Commission

54. The Chair of the Burundi Configuration of the Peacebuilding Commission, Ambassador Paul Seger of Switzerland, continued engagement with the Government of Burundi, and national and international stakeholders in New York and in Burundi. In April 2012 the Second Vice President of Burundi presented the PRSP-II to the Peacebuilding Commission Burundi Configuration in New York and advocated for international support. From 18 to 25 April, the Chair visited Burundi to discuss ways to further support the country in consolidating peace, in particular the mobilization of resources for the PRSP-II, and the review of the Peacebuilding Commission engagement with Burundi.

55. That review was subsequently conducted on the basis of the previous Outcome Document, and was finalized in Bujumbura at a Forum Politique on 8 June, where Ambassadors congratulated Burundi on further progress in peace consolidation, but also raised a number of concerns, including human rights abuses, transitional justice, and the importance of space for dialogue with opposition parties. On 18 July, members of the Peacebuilding Commission adopted the conclusions and recommendations of the review.

56. The Chair continued to work with my Special Representative and his Deputy to advise and support the October Partners Conference in Geneva. During a visit of my Special Representative to New York, a follow-up meeting of the Burundi Configuration of the Peacebuilding Commission was held on 16 November, with an address given in parallel by the Second Vice President in Bujumbura. Key partners, including the World Bank, the African Development Bank, the European Union and UNDP, subsequently issued a joint Declaration reiterating their commitment to assisting implementation of the PRSP-II.

57. The Assistant Secretary-General for Peacebuilding visited Burundi in October 2012. Assessing the impact of 18 projects funded through the first tranche of $35 million from the Peacebuilding Fund, the Assistant Secretary-General met with beneficiaries and stakeholders at the national level and in Bubanza province. Significant progress was noted in sustaining the gains achieved over the years, including through the establishment of the Commission Nationale Indépendante des Droits de l'Homme du Burundi and the new anti-corruption institutions. The refurbishment of military barracks had improved conditions for the military, advanced adherence to the rule of law and improved relations between the armed forces and the population. At the provincial level, former combatants, refugees and internally displaced persons were coexisting peacefully and benefiting from livelihood projects in agriculture, fishery and animal husbandry. Several women's associations expressed satisfaction that micro-credit loans had significantly assisted in meeting immediate needs and improving their overall standard of living.

58. Finally, ongoing reintegration programming implemented by BNUB and the United Nations country team, and funded through the Peacebuilding Fund, targets war-affected and marginalized populations in three provinces (Bubanza, Cibitoke and Bujumbura Rural), with special attention to women and children. Gender units established in police stations through a previous Peacebuilding Fund-supported project have also been sustained with government support. Reintegration efforts, begun under the first Peacebuilding Fund tranche and sustained by a second tranche of $9.2 million, seek to sustain reintegration and strengthen social cohesion by promoting local governance, reviving productive activities and promoting local entrepreneurship.

IV. Observations

59. Burundi has continued to make progress in consolidating peace and stability. While concerns remain about human rights, the situation has improved. The Geneva Conference of Development Partners was an opportunity to present a "new Burundi", and its success shows the willingness of international partners to invest in that vision. However, 2012 has witnessed a troubling diminishing of political space and of the spirit of consensus that has animated the peace consolidation process

since the Arusha Accords. Burundi's long-term stability — and more immediately, the successful conduct of the 2015 elections — will hinge on maintaining both. The mistrust that has developed since the 2010 general elections, which were boycotted by the opposition, continues to heighten tensions. Opposition and civil society activists continued to warn about diminishing political space, calling into question the frequent prohibition or interruption of opposition party meetings and new draft laws concerning the status of the opposition, the media and civil society. This has led to radicalization on both sides, with the Government using its prerogatives and dominance in Parliament to enact tighter laws, further shrinking political space, and the opposition taking steps to confront the Government. If not properly addressed, this situation, which runs counter to the spirit of the Arusha Accords, could undermine the country's democratization, even as preparations for the 2015 elections begin.

60. The benchmarks submitted to the Security Council provide a useful framework through which to assess progress and remaining challenges. Concerning the democratic process, while many institutions created by the 2005 Constitution have continued to consolidate, I am concerned by the lingering consequence of the main opposition parties' boycott of the 2010 elections: an uneven political landscape, preventing Burundi from benefiting fully from the checks and balances vital to any democratic system. Burundi must protect its freedom of expression, association and political action, freedoms that are the bedrock of a thriving democracy. Some recently adopted laws and draft laws currently being reviewed in Parliament — such as the status of the opposition, of civil society, and of the media — have been controversial. It is incumbent on both the opposition and Government to play their part in ensuring a continuing consensual approach to peace consolidation. With the 2015 electoral campaign just two years away, I call on all to intensify efforts to resume dialogue and normalize relations and to ensure that the foundations are laid now for a peaceful and participatory campaign period. Sustained United Nations and international political engagement will be required. The United Nations will continue to provide its good offices with a view to creating an enabling and more inclusive environment so that the 2015 elections contribute to the further enhancing of democracy and the rule of law.

61. Notwithstanding the political challenges it faces, Burundi continues to enjoy comparative security and stability. However, the continuing incursions by armed groups and subsequent clashes with government forces highlight the potential fragility of the situation. I strongly condemn any resort to violence for political aims. With regard to security and justice sector reform, with much of the hard work of integration and the rightsizing of the security forces complete, the focus must turn to building civilian oversight. With other international partners, the United Nations will continue to provide the support needed to enhance the professionalism and accountability of the security forces and build public confidence in them.

62. Realizing a transitional justice process that meets the twin objectives of reconciliation and justice, a core task from the Arusha Accords, is still outstanding. The Government is to be commended for its continued commitment to passing the new law on a Truth and Reconciliation Commission. The draft as it currently stands seems to show an inclination by lawmakers to put a greater emphasis on reconciliation, a major requirement for long-lasting peace and stability in Burundi. However, without justice and strong political will to end impunity, reconciliation alone will not help overcome the profound divisions that have pulled apart the

people of Burundi in the past. All stakeholders must strive to ensure that the Truth and Reconciliation Commission is established, conforms to international and national expectations and is seen as independent, legitimate and credible in the eyes of all Burundians. Nowhere will this be more strongly tested than in the selection of Commissioners, and I exhort all concerned to ensure that the selection process lives up to the draft law's prescription that Commissioners exhibit the capacity to overcome divisions of any kind. The United Nations has accompanied Burundi from the beginning of its journey towards transitional justice, and BNUB and OHCHR stand ready to provide support to a Truth and Reconciliation Commission that fully meets these principles and aspirations. In addition to the transitional justice process, I am convinced of the need to undertake a comprehensive and transparent campaign to promote a culture of peace as a basis for a more in-depth reconciliation process.

63. Concerning governance and institution-building, Burundi is to be commended for continued improvements in mechanisms to fight corruption and build accountability. The achievements signalled by Burundi's second year of sustained improvement in respected global indicators of governance and the increasing revenues realized by the Burundi Revenue Authority are evident. In the coming year, Burundi must intensify efforts to ensure that public administration is more professional and transparent. Again, the United Nations will continue to provide vital support.

64. I commend the work that has gone into the elaboration of the Sectoral Strategy of the Ministry of Justice, and the preparation for the Etats-Généraux de la Justice. BNUB and the United Nations system will continue to support Burundi's efforts to further professionalize the justice system and increase its independence and its accountability. Progress in this regard was slow during 2012, and there has been too little follow-up concerning serious cases of human rights violations, which were the cause of grave concern on the part of the Security Council in recent years. I am also concerned that the prosecution of certain highly visible cases and other uses of the judicial system have, at times, given the impression that justice was being instrumentalized. Continued efforts will be necessary to safeguard a free trial in each case and further enhance respect for the independence of the judiciary.

65. I am encouraged by the signs of improvement in the human rights situation in 2012 compared with the preceding two years. The number of extrajudicial executions appears to be declining. There must, however, be intensified efforts to ensure that all human rights violations are seriously investigated and that suspects are arrested and tried. Equally, there must be greater efforts to ensure that greater discipline and professionalism reign in the security forces. I am also concerned at the apparent involvement of youth movements affiliated with political parties in acts of violence and human rights violations, and call on those in positions of authority over those movements to ensure that such actions cease, and that those responsible are brought to justice. The existence of a vibrant civil society and independent media are commendable assets of Burundi's society. They must be encouraged and protected, and this spirit should be reflected in the law. BNUB and OHCHR together remain committed to dialogue with the Government and security forces to ensure that the climate of respect for human rights continues to improve.

66. Deepening regional integration remains key to lifting Burundi out of the post-conflict poverty trap. I am happy to note the priority that Burundi's Government continues to attach to this objective. I take this opportunity again to salute the

crucial contribution that the Burundian armed forces and police are making to peacekeeping efforts in Somalia with the African Union Mission in Somalia and elsewhere. This is a particularly healthy sign of Burundi's return to the path of peace and stability. However, the continuing instability in the eastern Democratic Republic of the Congo poses a serious threat across the subregion. Stability in the eastern Democratic Republic of the Congo is crucial also for Burundi given its post-conflict situation and cross-border linkages. The implementation of the 2006 Pact on Security, Stability and Development in the Great Lakes remains an important goal for the entire region, including for Burundi.

67. Finally, I note that despite the extraordinary progress made by the Burundian people in turning their backs on the violence and conflict of previous decades, Burundi remains one of the poorest countries in Africa, and one in which the "post-conflict poverty trap" is the clearest risk. Not only is the socioeconomic hardship faced by Burundi's people deplorable in itself, it also exposes the country to a heightened risk of recurrence of violence. It is in this respect that the success of the Geneva Conference of Development Partners is to be most welcomed. Sustained international support will be needed for some years to come, and the collective engagement of partners must not falter at this vital moment in Burundi's full return to peace and stability.

68. In 2012, the Peacebuilding Commission, BNUB, UNDP, the World Bank, the European Union, the African Development Bank and many other bilateral and multilateral partners ensured that such engagement was galvanized to support Burundi's new PRSP. I am particularly grateful to the Peacebuilding Commission for its role in preparing the way for the Geneva Partners Conference, and for its broader support to Burundi's peace consolidation, together with the Peacebuilding Fund.

69. BNUB is the latest configuration of a sustained United Nations political or peacekeeping engagement. Burundi has come a long way, yet many challenges still remain. I therefore call upon the Government of Burundi to accelerate efforts to reach the benchmarks so that the transition from BNUB can begin as soon as possible. In the meantime, I recommend that the mandate of BNUB be extended for a year, consistent with the views of the Government as set out in its note verbale to me of 24 December 2012. In the course of the year, I intend to deploy a strategic assessment mission on the future of United Nations engagement in Burundi, whose findings would inform my next report to the Council. With our goal being a shift from BNUB to a regular United Nations country team presence as quickly as conditions allow, I have instructed my Special Representative to continue his efforts to assist the Government of Burundi in achieving the benchmarks that this Council, and, more importantly, the people of Burundi expect.

70. I would like to express my sincere gratitude to my Special Representative, Parfait Onanga-Anyanga, who assumed his position in August 2012 and his predecessor, Karin Landgren for their leadership; to all United Nations personnel for their diligence and collaboration in implementing the mandate shared by BNUB and the United Nations country team to support Burundi's peace consolidation; and to all international partners for their continued engagement and support to Burundi.

Annex

Benchmarks and indicators of progress

I. Democratic process

Benchmark: Continuing progress in the consolidation of democracy and the resolution of political differences through dialogue

Baseline through 2011: A spirit of dialogue and power sharing underpinned the 2000 Arusha Accords and was enshrined in the Constitution of Burundi of 2005 and in the composition of the Government after the 2005 elections. Observers declared that the 2010 elections had been conducted in conformity with international norms, but they were boycotted by a number of opposition parties, whose leaders subsequently went into exile. The boycott continued to affect political life in Burundi in 2011, and tensions deepened between the Government and the ADC-Ikibiri grouping of extra-parliamentary opposition parties. Although both sides had confirmed their readiness to collaborate, political dialogue throughout 2011 remained stalled, and no formal meetings took place between the Government and the extra-parliamentary opposition parties.

Indicators of progress	*2012 assessments*
1.1. Increasingly democratic, accountable, representative and effective State institutions	• The boycott of the 2010 elections by several political parties continued to affect Parliament, which is composed of only three parties (CNDD-FDD, UPRONA and FRODEBU-Nyakuri), largely dominated by the CNDD-FDD • The number of question-and-answer sessions held with members of the Government in Parliament decreased (from 35 in 2011 to 24 in 2012)
1.2. Continuing dialogue between political parties and the Government	• The Permanent Forum for Political Parties remained non-functioning • Six official interactions took place between parties in power and extra-parliamentary opposition • Throughout 2012 various political party meetings were prohibited by authorities. Parties affected were: the two UPRONA party wings Manwangari and Mouvement pour la réhabilitation du parti UPRONA, CNDD, FRODEBU, UPD-Zigamibanga as well as the extra-parliamentary opposition platform ADC-Ikibiri
1.3. Improved legal framework for electoral process management	• No significant progress in 2012

1.4. Increasing institutional capacity to move towards the 2015 elections with appropriate international financial and technical support	• Following the expiry of its mandate, a new National Electoral Commission was established in December, with objections registered from opposition parties concerning its composition
1.5. Increasing national ownership over the electoral process	• The Government has not yet held discussions on the financing requirements of the 2015 elections
1.6. Political consensus among all stakeholders on movement towards the 2015 elections	• There was no visible political consensus among political actors regarding the 2015 elections • BNUB and UNDP prepared a seminar to be held early in 2013, with the goal of facilitating the drafting of a consensual road map for the 2015 elections based on lessons learned from 2010
1.7. Increasing percentage of the population believe in credibility of the elections	• According to the Gallup World Path Survey, popular confidence in electoral processes in Burundi increased from 66 per cent in 2009 to 83 per cent in 2011

II. Security and stability

Benchmark: A strengthening and sustainable security structure enabling Burundi to respond effectively to domestic and international security concerns while respecting global norms and rights

Baseline: A significant number of small arms remained in circulation (100,000 households according to the Small Arms Survey in 2007), despite the collection and destruction of 12,280 grenades, 2,186 rifles and 389 pistols during the first civilian disarmament campaign in 2009 and efforts made through the earlier disarmament, demobilization and reintegration programme

Reform of the security sector was a key foundation of the Arusha peace agreements. Over subsequent years, the completed integration of former combatants into the armed forces and police, the rightsizing of both forces and the respect for ethnic proportionality within them have greatly contributed to overall stability and improvements in security. However, the involvement of members of these forces in human rights abuses in 2010 and 2011 have highlighted the need for continued professionalization and enhanced civilian oversight.

Indicators of progress	*Assessments*
2.1. Progress made in civilian disarmament, and in management and control of small arms and light weapons	• By the end of 2012, 60 per cent of PNB weapons were registered and marked and 100 per cent of FDN weapons were registered (in comparison to 50 per cent and 40 per cent in 2011, respectively)

	• BNUB and UNDP prepared a second national voluntary disarmament campaign, expected to commence in 2013
2.2. Progress made in the rightsizing of the security and defence forces	• The FDN reduced by 228 and the PNB by 188 personnel, bringing total numbers to 27,889 (target 25,000) and 16,276 (target 15,000), respectively
2.3. Increasing civilian oversight over the security and defence forces in compliance with the current constitution, laws and regulations	• BNUB continued to support civilian oversight mechanisms by holding two workshops for the parliamentary oversight committees
	• The permanent secretariat for the National Security Council was created in May 2012 and met four times in 2012
2.4. Increasing professionalization of the security and defence forces	• The FDN Defence Review and the PNB strategic plan, intended to give strategic direction to both institutions, were being elaborated in 2012 (expected completion early in 2013)
	• The first draft of the National Security Strategy was prepared in October and November 2012
	• BNUB provided training to 270 members of the FDN, PNB and the National Intelligence Service in 2012
2.5. Increasing confidence of the population in the service delivery of the security and defence forces	• According to the Gallup World Path Survey, popular confidence in the military increased from 89 per cent in 2009 to 91 per cent in 2011. Confidence in the police force increased from 82 per cent in 2009 to 83 per cent in 2011
	• According to a study with national coverage prepared jointly by the Centre d'Alerte et de Prévention des Conflits and Centre de Recherche, d'Etudes et de Documentation en Sciences Sociales in 2012, 79.3 per cent of respondents stated that they had confidence in the FDN while 50 per cent said they had confidence in the PNB

III. Transitional justice

Benchmark: Continuing progress in transitional justice to advance victims' rights, the fight against impunity and national reconciliation

Baseline: Transitional justice is the major remaining feature of the Arusha Accords for which implementation has lagged. Following broad National Consultations in 2009 and 2010 and extensive work undertaken by a government Technical Committee — all supported closely by the United Nations — a new draft law on the establishment of the Truth and Reconciliation Commission was presented to Parliament in October 2011. The United Nations, in a joint effort by BNUB, OHCHR and the Office of Legal Affairs of the United Nations Secretariat, presented extensive comments on the draft law in December 2011, in respect of both international standards and best practice, and national expectations as expressed in the report of the National Consultations on the Mechanisms of Transitional Justice.

Indicators of progress	*Assessments*
3.1. Establishment of the Truth and Reconciliation Commission in line with the 2009 National Consultations, the work of the Technical Committee of 2011, international standards and applicable legal instruments	• A revised draft law on the Truth and Reconciliation Commission was submitted to Parliament in December 2012 • On 26 December 2012, BNUB submitted comments on the law to the National Assembly • BNUB continued to support transitional justice by working together with the Forum national des relais communautaires en justice de transition (FONAREC) in sensitizing the population on the process
3.2. Establishment of the Special Tribunal in line with the 2009 National Consultations, the work of the Technical Committee of 2011, international standards and applicable legal instruments	• No progress made in 2012
3.3. Existence of a follow-up mechanism for the implementation of recommendations of the Truth and Reconciliation Commission	• No progress made in 2012
3.4. Increasing ability of the political leadership to bring about reconciliation between the victims and perpetrators of past crimes	• No progress made in 2012
3.5. Increasing level of satisfaction with the transitional justice process	• Not applicable in 2012
3.6. Increasing percentage of the population that believes reconciliation has been achieved	• Data not available in 2012

IV. Governance and institution building

Benchmark: Increasing State authority through legitimate, democratic, accountable and effective institutions

Baseline: Following the adoption of the 2005 Constitution, key new institutions envisaged have successively been established, including the Anti-Corruption Brigade (2006) and the Anti-Corruption Court (2006), the National Communications Council (2007), the National Security Council (2008), the Permanent Forum for Dialogue among the Political Parties (2010) and the National Independent Human Rights Commission (2011). In 2011, with assistance from the United Nations and other partners, Burundi developed a number of important strategies reflecting national governance priorities, including, inter alia, the National Strategy on Good Governance and the Fight against Corruption. The establishment of the Anti-Corruption Brigade and the Anti-Corruption Court, and the creation of the Office of the Ombudsman (2011), and of the Burundi Revenue Authority in 2011 were important institutional developments to enhance the efficiency and accountability of Government. While corruption remained a serious concern, the beginnings of sustained improvement were evident.

Indicators of progress	*Assessments*
4.1. Increasing proportion of seats held by women in Parliament, and in elected and appointed bodies at all levels	• At the end of 2012, 32 per cent of National Assembly members, 46 per cent of Senate members, 35 per cent of Ministers, 5.8 per cent of Provincial Governors and 32.5 per cent of Communal Administrators were female (decrease of 1 Minister and 2 Provincial Governors compared to 2011)
4.2. Decreasing corruption in the public and private sectors	• According to the Transparency International 2012 East African bribery index, Burundi moved from being the last-placed country in East Africa to the second best (index decreased from 37 per cent in 2011 to 18.8 per cent in 2012)
	• Transparency International classified Burundi, however, as the ninth most corrupt country in their global index
	• The Anti-Corruption Brigade transmitted 156 complaints of corruption to the Procureur général in 2012 for further action, in comparison to 252 in 2011, signifying a decrease of 48 per cent
	• The Anti-Corruption Court registered 285 cases up to the end of November 2012 (276 cases in 2011). The Court delivered sentences for 218 cases as of the end of November 2012 (213 in 2011)

4.3. Increasingly transparent, accountable and efficient national institutions	• The Ombudsman received 195 complaints by mid-December 2012 (187 in 2011) and dealt with 123 cases (83 in 2011): an increase of 4 per cent of complaints and 48 per cent of cases brought to a conclusion in comparison to 2011
4.4. Progress made in the quality of public administration	• The tax revenue collected by the Burundi Revenue Authority in the first 11 months of 2012 was FBu 486.47 billion (12 per cent increase in comparison to same period in 2011)

V. Rule of law

Benchmark: An increasingly independent, accessible and credible justice system upholding human rights

Baseline: Since the end of Burundi's transition period in 2005, a major priority has been professionalizing and promoting the full independence of the justice sector. The year 2011 was dedicated to the development of the Ministry of Justice sectoral policy for the period of 2011-2015, in which the Government reaffirmed its commitment to strengthening the independence of the judiciary, enhancing good governance in the justice sector, making justice available to all, and improving criminal justice. However, the document did not take account of several needed reforms concerning the status of magistrates and, particularly, the Supreme Council of Magistrates.

Indicators of progress	*Assessments*
5.1. Decreasing ratio of pretrial detainees to the overall prison population	• The number of pretrial detainees decreased by 1,311, i.e., by 22 per cent in 2012, bringing the total number of pretrial detainees to 4,125, and the percentage of pretrial detainees of the overall prison population to 57 per cent, thanks to specific measures taken by the Procureur général in July 2012
5.2. Increasing proportion of law enforcement officials trained in rules of conduct concerning proportional use of force, arrest, interrogation, detention or punishment	• 89 officers were trained as trainers by BNUB on human rights and international humanitarian law in 2012 • Three specialized trainings on military policing, police judiciary and armoury management were provided by BNUB for 22 military police officers, 44 police judicial officers and 19 armoury managers
5.3. Increasingly simple and systematic access to the results of commissions of inquiry for those authorized	• In 2012 there was one commission of inquiry and its report was made public (in 2011, no such reports were made public)

5.4. Increasing number of criminals brought to justice	• The percentage of the prison population entering the judicial process shows an increase (latest data: 38 per cent in 2011 in comparison to 34 per cent in 2010)
5.5. Improving management of prisons, to better comply with human rights standards	• Prison occupancy rate dropped by 76 per cent to 183 per cent in 2012 (down from 258 per cent in 2011), attributable mainly to a presidential pardon granted to 800 prisoners in September 2012 • As at 27 December 2012, a further 953 prisoners were slated for conditional release as they fulfil the necessary criteria • 89 corrections officials were trained in prison management, bringing the total percentage of staff trained to 33.34 per cent
5.6. Progress made in the adoption and implementation of legislation on magistrates, in the professionalization of magistrates, as well as in the organization and effectiveness of the Supreme Council of Magistrates	• Draft code on judicial ethics has been prepared but not yet adopted by the Council of Ministers • While 393 magistrates received training in 2011, the number of magistrates who received training increased by 73 per cent to 681 in 2012 (several magistrates participated in more than one training) • Strategic plan for an initial training programme for magistrates finalized by BNUB and handed over to the Ministry of Justice in November 2012. Study on the strengthening and reform of the Supreme Council of Magistrates prepared by BNUB in 2012 (to be published in 2013)
5.7. Progress made in the independence of the judiciary	• Currently magistrates are not recruited through a competitive examination as foreseen by law (Government is citing budgetary constraints as main reason) • Preparatory work for a national conference on judicial reforms, aimed at strengthening the independence of the judiciary, was undertaken by the Government with BNUB and UNDP
5.8. Increasing percentage of the population expressing confidence in the judicial system	• According to the Gallup World Path Survey, popular confidence in the judicial system increased from 50 per cent in 2009 to 57 per cent in 2011

VI. Human rights

Benchmark: A deepening culture of protection and promotion of human rights in Burundi

Baseline: The period following the 2010 elections saw a marked increase in serious human rights violations. In 2010, 40 cases of extrajudicial, arbitrary or summary executions and/or politically motivated killings and 30 of torture were documented by BNUB/OHCHR. In 2011, BNUB/OHCHR recorded a still higher number of human rights violations, including 61 cases of extrajudicial, arbitrary or summary executions and/or politically motivated killings, with most of the victims known to have been associated with a political party, and 36 cases of torture. Many of the alleged perpetrators were members of the security or defence forces. The June 2011 establishment of the Independent National Commission on Human Rights was an important step, but concerns remained in 2011 that few of these cases had seen adequate follow-up.

Indicators of progress	*Assessments*
6.1. Increasing proportion of human rights violations — including cases of disappearances and extrajudicial killings — investigated by the judiciary, and perpetrators arrested, judged and/or serving sentences	• Of the 30 documented cases of extrajudicial executions in 2012, 15 were investigated by the judiciary (data from 18 December), signifying no change in comparison to 2011 (61 cases of extrajudicial executions and 31 cases investigated)
	• Of the 16 documented cases of torture in 2012, 6 were investigated by the judiciary (data from 18 December), signifying an increase of 32 per cent in comparison to 2011 (36 cases of torture and 2 cases investigated)
6.2. Increasing frequency and timeliness of reports submitted to the relevant bodies	• Five human rights reports were pending submission at the end of 2012 (two more than in 2011)
6.3. Decreasing instances of torture or cruel, inhuman or degrading treatment or punishment perpetrated by an agent of the State or any other person acting under government authority or with its complicity	• BNUB documented 30 cases of extrajudicial executions, signifying a decrease in comparison to 2011 (61 cases documented)
	• BNUB documented 16 cases of torture, signifying a decrease in comparison to 2011 (36 cases documented)
	• BNUB documented 57 cases of ill-treatment, signifying an increase in comparison to 2011 (37 cases documented)
6.4. Increasing effectiveness of the National Independent Human Rights Commission, including through the establishment of a monitoring network on human rights, by civil society organizations, which contributes to the activities of the Commission	• The National Independent Human Rights Commission (CNIDH) investigated 480 cases compared to 107 cases in 2011 (as of 30 November); of these cases 117 were concluded
	• CNIDH established three regional offices in October 2012, enhancing its reach and efficiency

	• No new monitoring networks on human rights were established; BNUB provided capacity-building for the two existing networks that have national representation
6.5. Rolling adoption of priority international and regional human rights instruments and increasing conformity of national human rights instruments with relevant international and regional instruments	• Ratification of the United Nations Convention on Transnational Organized Crime and its three additional protocols by the National Assembly in April 2012 • Adoption of a Bill for the ratification of the African Union Convention related to the protection of and assistance to internally displaced persons (Kampala Convention) in August 2012 (communicated to the Parliament in October)
6.6. Strengthening of structures dealing with the protection of vulnerable groups	• A draft law on the fight against gender-based violence was prepared and is pending review • A draft strategy for legal aid to vulnerable groups was developed by the Government and partners but not yet officially adopted • The Humura Centre in Gitega for the holistic care of survivors of gender-based violence started operating at the beginning of August and offered its services to 450 women • 17 provincial commissioners, 40 chiefs of police stations, and 33 police officers in eight provinces were trained with regard to handling gender-based violence; police also undertook sensitization activities on gender-based violence in 16 schools and four communes • The second international conference of African security organs to end violence against women and girls was organized by the PNB in Bujumbura in November • A decree to establish a National Women's Forum was adopted. UNDP held a training for trainers session for 27 magistrates in November on addressing gender-based violence issues • No cases of refoulement reported in 2012
6.7. Progress made in ensuring freedom of the media and civil society	• While 18 cases of freedom of press violations were documented by BNUB in 2011, no such cases were documented in 2012

VII. Regional integration

Benchmark: Deepening regional integration for Burundi with full participation in regional political, commercial and other negotiations and improved interaction of Burundian authorities with regional cooperation mechanisms

Baseline: The Government has embraced increasing regional integration as an important catalyst for economic growth and stability. Following the country's accession to the EAC in 2009, 2011 saw a particular intensification of its efforts to improve economic and political ties with regional partners, as evidenced by President Nkurunziza's role as chair of the EAC in 2011. Regional integration has been defined as one of the eight pillars of the country's 2025 vision and features prominently in the new PRSP.

Indicators of progress	*Assessments*
7.1. Increasing trade between Burundi and its regional partners	• Burundi increased its trade within the EAC by 15 per cent since joining it in 2007, according to EAC officials. Burundi's share of EAC trade is increasing (2.6 per cent in 2010 to 4.3 per cent in 2011)
7.2. Increasing political and commercial negotiations and interactions with member States of regional economic communities	• Burundi participated in four important EAC meetings in 2012
7.3. Increasing capacity of Government of Burundi to take forward the regional integration process	• A study on the strategic participation of Burundi in the different regional and international structures was drafted by the Government in collaboration with UNDP • The Government in collaboration with UNDP began elaborating a national strategy on regional integration in July 2012
7.4. Increasing perception of benefits from regional integration on the part of the population	• 17 secondary school EAC clubs were established in December 2011, spanning all provinces, and continued to function in 2012

VIII. Social and economic development

Benchmark: Improving living standards of the population, delivery of basic services to the most vulnerable, and conditions for economic recovery

Baseline: Although the Government has made considerable efforts to improve the socioeconomic situation of the country, widespread poverty, land scarcity combined with high population density, food insecurity, and high unemployment, particularly among youth, still exist in Burundi. As it stands, the country is still one of the poorest in the world, with the level of undernourished people rising. The World Bank poverty head-count ratio at the national poverty line was 66.9 per cent in 2006 and although Burundi's Human Development Index has constantly increased since 2000 (0.245 in 2000 to 0.316 in 2011), the country still ranked 185th of 187 countries in 2011.

Indicators of progress	*Assessments*
8.1. Decreasing proportion of population living on less than $1.25 per day	• Poverty rate of 67 per cent as per the World Bank's 2006 data (based on the nationally defined poverty line of $0.51-$0.66/day) continued to be used in 2012, e.g., by the PRSP-II
	• Burundi ranks last on the 2012 Global Hunger Index
8.2. Improving enrolment and completion ratios in primary education	• It is estimated that primary school enrolment continued to increase, although completion rates lag behind (latest data from 2010/11 indicate 96 per cent enrolment but 51.3 per cent completion)
8.3. Decreasing number of internally displaced persons	• The number of internally displaced persons remained stable in 2012 (UNHCR counted 78,948 internally displaced persons at the end of 2011). The Government has begun preparations for an Action Plan for internally displaced persons with United Nations agencies, aiming towards durable solutions
8.4. Increasing proportion of children aged 12-23 months immunized against contagious diseases	• Vaccination rates remained high (latest figures from 2010 Demographic and Health Survey indicate that 83 per cent of children in Burundi are completely vaccinated)
8.5. Increasing proportion of population with access to potable water and electricity	• Access to potable water is estimated to have remained at 72 per cent, a figure almost unchanged since 1990 (70 per cent)
	• Access to electricity remained low (4.8 per cent in 2008, with a large urban-rural divide)
8.6. Improving youth employment rate	• Youth unemployment and underemployment estimated to remain high (concrete data are lacking)
	• Creating employment for youth is an integral part of the PRSP-II and Vision 2025. The Government in cooperation with partners, developed programmes on job creation for youth, to be rolled out in 2013
8.7. Increasing number of youth and women with access to basic social services	• Gender- and age-specific data unavailable. According to 2011 Gallup World Path Survey, the percentage of the population satisfied with the educational system in the city or area where they lived decreased from 79 per cent in 2009 to 71 per cent in 2011

8.8. Improving legislative and regulatory environment favouring business and investment	• Burundi was ranked 159th of 185 countries in the World Bank's 2013 Doing Business Index (climbing 22 places in the past three years)
8.9. Improving socioeconomic situation of refugees, repatriated persons and internally displaced persons	• In 2012, 2,000 persons were engaged in rapid job creation supported by the United Nations system (3x6 approach) bringing the total number of beneficiaries to 14,940
8.10. Increasing percentage of population that feels the standard of living is rising	• According to the Gallup World Path Survey, the percentage of people satisfied with their standard of living increased from 24 per cent in 2009 to 26 per cent in 2011